

IN THE UTAH COURT OF APPEALS

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State of Utah, in the interest	)	MEMORANDUM DECISION
of D.H. and A.B., persons	)	(Not For Official Publication)
under eighteen years of age.	)	
_____	)	Case No. 20060271-CA
	)	
J.B.,	)	F I L E D
	)	(June 8, 2006)
Appellant,	)	
	)	2006 UT App 236
v.	)	
	)	
State of Utah,	)	
	)	
Appellee.	)	

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Second District Juvenile, Ogden Department, 990350  
The Honorable J. Mark Andrus

Attorneys: Randall W. Richards and Jennifer Clark, Ogden, for  
Appellant  
Mark L. Shurtleff, John M. Peterson, and Carol L.C.  
Verdoia, Salt Lake City, for Appellee  
Martha Pierce and Cynthia Havlicek, Salt Lake City,  
Guardians Ad Litem

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Before Judges Greenwood, McHugh, and Orme.

PER CURIAM:

J.B. (Mother) appeals the termination of her parental rights in her children D.H. and A.B. She does not challenge the juvenile court's findings that there were grounds for termination, but asserts the juvenile court erred in finding termination to be in the children's best interests.

A juvenile court's findings of fact will not be overturned unless clearly erroneous. See In re E.R., 2001 UT App 66, ¶11, 21 P.3d 680. A finding of fact is clearly erroneous only when, in light of the evidence supporting the finding, it is against the clear weight of the evidence. See id. Additionally, a juvenile court has broad discretion regarding judgments, based on the juvenile court's specialized experience and training, as well as the ability to judge credibility firsthand. See id. Thus, in

reviewing an order terminating parental rights, this court "will not disturb the juvenile court's findings and conclusions unless the evidence clearly preponderates against the findings as made or the court has abused its discretion." In re R.A.J., 1999 UT App 329, ¶6, 991 P.2d 1118.

Mother first asserts that the juvenile court erred in finding termination to be in the children's best interests because the State did not establish that Mother would be permanently unfit. However, Mother was not entitled to an indeterminate amount of time to attempt to become a fit parent for the children. Utah has a clear policy in child welfare proceedings of providing swift permanency to children removed from their homes due to abuse or neglect. See Office of the Guardian Ad Litem v. Anderson, 1999 UT App 251, ¶13, 987 P.2d 611 (citation omitted). Under Utah child welfare statutes, the goal is to "either return the children to their homes or place them in another appropriate setting as soon as reasonably possible after removal." Id. Reunification services are limited to twelve months, after which a permanency hearing must be held to determine the final plan for a child. See Utah Code Ann. §§ 78-3a-311, -312 (Supp. 2005). Mother's speculative future fitness does not defeat the importance of providing permanency for the children in a stable home, and her assertion is contrary to Utah law and policy.

Mother also contends that it was not in the children's best interests to terminate her parental rights because their respective foster parents had not committed to adoption. However, a firm adoptive placement for a child is not required prior to terminating parental rights. See, e.g., Utah Code Ann. § 78-3a-412 (2002) (providing for a review ninety days after termination "if the child has not been permanently placed"). Thus, the foster parents' hesitancy to adopt the girls does not preclude a finding that termination would be in the girls' best interests.

Furthermore, the juvenile court considered the foster parents' hesitancy and found that termination was still in the children's best interests. The juvenile court found "it is clearly in each child's best interest to be in a stable home, and not be subjected to the abusive, chaotic, and neglectful environment they experienced in their mother's home." Finally, although the foster parents had not committed to adoption, they were committed to providing a place for the girls and said they were strongly considering adoption. So, even absent a commitment to adopt, it actually appeared that the girls were in stable placements.

Finally, Mother asserts the juvenile court erred by failing to consider the separation of the girls. However, no specific finding regarding separation is necessary. Moreover, the juvenile court noted both girls were stable and flourishing in their respective homes. Each was well integrated into her family. There was no concern expressed regarding their separation, nor was any evidence presented that the separation was causing any difficulty.

In sum, the juvenile court did not abuse its discretion in finding that the termination of Mother's parental rights was in the best interests of the children. Accordingly, the termination is affirmed.

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Pamela T. Greenwood,  
Associate Presiding Judge

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Carolyn B. McHugh, Judge

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Gregory K. Orme, Judge